

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

SELENA COLTRAIN-CEREZO,

Plaintiff,

v.

Civil Action No. 3:12cv120

HERBERT KERR AND  
BEAULIEU GROUP, LLC,

Defendants.

**REPORT AND RECOMMENDATION**

This matter comes before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) for a Report and Recommendation on the Petitions for Court Approval of Infant Compromise Settlement. (Docket Nos. 12, 13.) For the following reasons, the Court recommends that the District Court find the Petitions for Court Approval to be fair, reasonable, and in the interests of the parties, and recommends that they be accepted pursuant to Virginia Code § 8.01-424.

Virginia Code § 8.01-424 grants the court where the matter is pending the “power to approve and confirm a compromise of the matters in controversy” on behalf of party under a disability. Va. Code § 8.01-424(A). Here, Plaintiff Selena Coltrain-Cerezo brought suit individually and on behalf of her minor children R.C. and A.C., alleging injuries sustained as a result of an accident involving Defendant Herbert Kerr and Defendant Beaulieu Group that occurred October 22, 2010. Coltrain-Cerezo, on behalf of her minor children, and Defendants entered into this compromise agreement to resolve the matters in controversy.

Having had oral hearing as to the settlement and having reviewed the Petitions for Court Approval and the proposed orders of compromise (Docket Nos. 17-1, 17-2), this Court, for the reasons stated from the bench, finds it to be a fair and reasonable resolution of the controversy

and in the best interests of A.C. and R.C. On January 23, 2013, the parties appeared, by counsel, in court and confirmed their agreement to the terms reviewed by the Court. Accordingly, it is hereby RECOMMENDED that the District Court approve the Petitions for Court Approval and DISMISS this action WITH PREJUDICE.

The parties are ADVISED that they may file specific written objections to the Report and Recommendation within fourteen (14) days of the date of entry hereof. Such objections should be numbered and identify with specificity the legal or factual deficiencies of the Magistrate Judge's findings. Failure to so file will result in a waiver of any objections to this report.

Let the Clerk send copies of this Report and Recommendation to counsel of record and the Honorable James R. Spencer.

It is so ORDERED.

/s/  
M. Hannah Fauck  
United States Magistrate Judge

Date: 1-24-13  
Richmond, Virginia